

87th Legislative Session – 2012

Committee: House Health and Human Services

Thursday, February 02, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Blake
P Haggard
P Hawley
P Hickey
P Iron Cloud III
P Jensen
P Lucas
P Magstadt
P Sly
P Steele
P Stricherz
P Munsterman, Vice-Chair
P Boomgarden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Boomgarden, Chair.

MOTION: TO APPROVE THE MINUTES OF JANUARY 31, 2012.

Moved by: Munsterman
Second by: Blake
Action: Prevailed by voice vote.

HB 1263: provide for mandatory HIV testing for any person convicted of prostitution or solicitation of prostitution and to provide for appropriate utilization of the test results.

Proponents: Representative Bob Deelstra

MOTION: DO PASS HB 1263

Moved by: Munsterman
Second by: Stricherz
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Haggard, Hawley, Iron Cloud III, Jensen, Lucas, Magstadt, Sly, Steele, Stricherz, Munsterman, Boomgarden

Excused: Hickey

MOTION: PLACE HB 1263 ON CONSENT CALENDAR

Moved by: Sly
Second by: Jensen
Action: Failed by voice vote.

HB 1260: repeal the authority the director of the Division of Insurance has to promulgate rules governing use of genetic information and to enact certain provisions regarding the use of genetic information.

Proponents: Representative Lora Hubbel (Handout: 1)
Opponents: Randy Moses, SD Division of Insurance
Justin Smith, American Council of Life Insurance

MOTION: DEFER HB 1260 TO THE 41ST LEGISLATIVE DAY

Moved by: Hawley
Second by: Blake
Action: Withdrawn.

MOTION: SUBSTITUTE MOTION DO PASS HB 1260

Moved by: Steele
Second by: Munsterman
Action: Withdrawn.

MOTION: AMEND HB 1260

1260ja

On page 1 of the printed bill, delete lines 5 to 8, inclusive.

On page 1, line 9, delete everything after "test" .

On page 1, line 10, delete everything before "are" .

On page 2, after line 5, insert:

"

No provision of this Act applies to the collection or treatment of a DNA sample, test, or result ordered by a court pursuant to South Dakota law."

Moved by: Haggar
Second by: Munsterman
Action: Prevailed by voice vote.

MOTION: DEFER HB 1260 TO THE 41ST LEGISLATIVE DAY

Moved by: Hawley
Second by: Blake
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1260 AS AMENDED

Moved by: Steele
Second by: Munsterman
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Haggar, Iron Cloud III, Jensen, Steele, Stricherz, Munsterman

Voting No: Blake, Hawley, Lucas, Magstadt, Sly, Boomgarden

Excused: Hickey

THE MOTION TO DEFER HB 1260 TO THE 41ST LEGISLATIVE DAY

Moved by: Hawley
Second by: Blake
Action: PREVAILED BY ROLL CALL VOTE. (7-5-1-0)

Voting Yes: Blake, Haggar, Hawley, Lucas, Magstadt, Sly, Boomgarden

Voting No: Iron Cloud III, Jensen, Steele, Stricherz, Munsterman

Excused: Hickey

HB 1150: prohibit false advertising by limited services pregnancy centers and to provide for judicial relief.

Proponents: Representative Peggy Gibson (Handout: 2)
Alisha Sedor, NARAL Pro-Choice, SD
Tiffany Campbell, American Civil Liberties Union of SD

Opponents: Representative Roger Hunt
Patti Giebink, self, Chamberlain
Brianna Zomer, self, Sioux Falls
Stacey Wollman, Care Net Pregnancy Research Center
Roxanne Johnson, self, Sioux Falls
Alexandra Szameit, self, Sioux Falls
Leah Anderson, self, Sioux Falls
Linda Johnson, SD Right to Life
Dale Bartscher, Family Heritage Alliance Action Inc.
Linda Schauer, Concerned Women For America
Travis Benson, Catholic Diocese of Sioux Falls

MOTION: AMEND HB 1150

1150fa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. Terms used in this Act mean:

- (1) "Abortion," as defined in § 34-23A-1;
- (2) "Abortion facility," as defined in § 34-23A-1A;
- (3) "Client," any person who is inquiring about or seeking services at an abortion facility;
- (4) "Health information," any oral or written information in any form or medium that relates to the physical or mental health or condition of a client and any information in any form that relates to a client's health insurance;
- (5) "Prenatal care," any physical examination, pelvic examination, or clinical laboratory

service that is provided to a woman during pregnancy.

Section 2. No abortion facility may make or disseminate any advertisement in any medium, including in a newspaper, magazine, pamphlet, or the internet, that contains a statement or an omission of material fact related to the services that it offers or intends to offer to clients that is untrue or misleading and that the abortion facility knew or should have known to be untrue or misleading at the time the advertisement was created, published, or republished.

Section 3. No abortion facility may make or disseminate any misleading or untrue statement concerning the services that it offers or intends to offer to clients as part of a design not to perform services that the abortion facility advertises that it offers, explicitly or by implication.

Section 4. If the attorney general or any state's attorney has reason to believe that an abortion facility has violated section 2 or 3 of this Act, the attorney general or state's attorney may bring an action in the name of the state against the abortion facility for injunctive relief to restrain the violation.

Section 5. Before an action may be commenced pursuant to section 4 of this Act, the attorney general or state's attorney shall notify the abortion facility, in writing, of the alleged violation. The notice shall specifically identify the alleged violation, including a description of the untrue information or omission of material fact, and provide the abortion facility ten days in which to cure the violation. If the abortion facility fails to cure the violation within ten days, as determined by the attorney general or state's attorney, the attorney general or state's attorney may commence an action for relief.

Section 6. If a court finds that an abortion facility has violated this Act, the court may issue an injunction that requires any of the following:

- (1) That the abortion facility pay for and disseminate corrective advertising in the same form as the advertisement that is the basis of the violation;
- (2) That the abortion facility post a notice on its premises, in a location that is readily visible to clients in any waiting area or in each examination room that states whether there is a licensed physician on staff at the abortion facility and whether abortions, emergency contraception, or referrals for abortions or emergency contraception are available at the abortion facility; and
- (3) Any other narrowly tailored relief that the court considers necessary to remedy the adverse effects of the false, misleading, or deceptive advertising toward women seeking pregnancy-related services."

Moved by: Jensen
Second by: Haggar
Action: Prevailed by voice vote.

Proponents for Amendment 1150 fa:

Linda Johnson, SD Right to Life

Opponents for Amendment 1150 fa:

Dr. Patti Giebink, self, Chamberlain
Alisha Sedo, NARA Pro-Choice SD
Tiffany Campbell, American Civil Liberties Union

MOTION: DEFER HB 1150 TO THE 41ST LEGISLATIVE DAY

Moved by: Magstadt
Second by: Stricherz
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Blake, Haggar, Hickey, Iron Cloud III, Jensen, Magstadt, Sly, Steele, Stricherz,
Munsterman, Boomgarden

Excused: Hawley, Lucas

MOTION: ADJOURN

Moved by: Hickey
Second by: Sly
Action: Prevailed by voice vote.

Grace Curtis
Committee Secretary

Jamie Boomgarden, Chair